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Appl. No. 10/729,594
Response to 2/22/2007 Office Action
Reissue of U.S. Patent No. 6,325,294 B2
Atty. Dkt. M40-367

REMARKS

Applicants appreciate the recognition of patentable subject matter in the present application.

The changes in the original patent made by the Certificate of Correction of October 1, 2002 have been included in this reissue application without underlining or bracketing as required by MPEP 1411.01.

The specification has further been amended to also merely correct minor errors that were not already corrected by Certificate of Correction. These amendments are shown as bracketing for deletions and underlining for insertions.

A statement of status of the claims and support for claim changes, as required by 37 C.F.R. §1.173(c) is being provided in a separate paper.

Claims 7, 9, 11, 17 and 25 stand rejected under 35 USC 102 for anticipation by U.S. Patent No. 4,686,358 to Seckinger et al. Claims 8, 10, 13-14 and 19 stand rejected under 35 USC 103 for obviousness over Seckinger in view of U.S. Patent No. 4,780,791 to Morita et al. Claim 12 stands rejected under 35 USC 103 for obviousness over Seckinger in view of U.S. Patent No. 3,858,031 to Kornfield et al. Claim 15 stands rejected under 35 USC 103 for obviousness over Seckinger in view of U.S. Patent No. 4,621,190 to Saito et al. Claim 20 stands rejected under 35 USC 103 for obviousness over Seckinger/Morita in view of U.S. Patent No. 4,918,425 to Greenberg et al. Claim 21 stands rejected under 35 USC 103 for obviousness over Seckinger/Morita in view of Kornfield. Claim 22 stands rejected under 35 USC 103 for obviousness over Seckinger/Morita in view of Saito.

Referring to the restriction requirement, the restricted claims 33-63 have been cancelled.

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Referring to the objection to the claims, Applicants have amended claim 25 and request withdrawal of the objection to claim 25. Referring to claim 27, Applicants respectfully submit that the original claim language is correct and Applicants respectfully request reconsideration of the objection. In particular, the radio frequency identification device comprises the first and second films which form the package, a first dipole antenna, a single integrated circuit *and the adhesive*. Accordingly, the device comprises the adhesive and Applicants respectfully submit that the claim correctly recites that the adhesive of the device affixes the package also of the device to the surface. Reconsideration of the objection to claim 27 is requested.

Referring to the prior art rejection of independent claim 7, the claim recites limitations of claim 16. Applicants respectfully submit claim 7 is allowable in view of the indicated allowability of claim 16. Applicants respectfully request allowance of claim 7 in the next Action.

The claims which depend from independent claim 7 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to the prior art rejection of independent claim 19, the claim recites limitations of claim 18. Applicants respectfully submit claim 19 is allowable in view of the indicated allowability of claim 18. Applicants respectfully request allowance of claim 19 in the next Action.

The claims which depend from independent claim 19 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

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Referring to the prior art rejection of independent claim 25, the claim recites limitations of claim 18. Applicants respectfully submit claim 25 is allowable in view of the indicated allowability of claim 18. Applicants respectfully request allowance of claim 25 in the next Action.

The claims which depend from independent claim 25 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicants have made minor amendments to claim 26 and claim 26 is believed to still be allowable over the prior art. Limitations deleted from claim 26 have been added as new dependent claim 64.

Referring to the statement of reasons for the indication of allowable subject matter, Applicants object to and disagree with such statements as including language not included in Applicant's claims, in particular with respect to dependent claim 18. The patent statutes require claims to be presented and interpreted in accordance with what the Applicants regard as their invention. Accordingly, the claims must be read as Applicants regard them (as they are worded). The statements (e.g., see statements with respect to claim 18) as currently worded might be interpreted later as reading limitations into Applicants' claims which simply are not there. In particular, the statements with respect to claims 16 and 18 correspond to claim 16 only and claim 18 does not include the language recited by the Examiner in the statement with respect thereto.

Applicants regard aspects of his invention as defined by the claims. MPEP §1302.14 (8th ed., rev. 5) states, in part, that where specific reasons are recorded by the examiner, *care must be taken to ensure that such reasons are accurate, precise, and do*

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not place unwarranted interpretations, whether broad or narrow, upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

In accordance with the above, the Examiner must interpret the claims in accordance with their literal wording, and to the extent the Examiner has not already done so, such is mandated now. If the Examiner relies upon allowance based upon language not appearing in the claims, the Examiner must reject the claims and suggest insertion of such language. Then, Applicants can respond as they deem appropriate.

Allowance of the claims as literally worded is urged. If the Examiner's next action is a Notice Of Allowance, this file history is to be interpreted as if the Examiner's statement of reasons for allowance in the last Action never existed or was withdrawn. If the Examiner disagrees with this just stated position, claim rejections are mandated.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 8/22/07

By: 

James D. Shaurette
Reg. No. 39,833

Encl.: Statement of Status of Claims and Support